



1634

PATENT

Attorney Docket No. A-67499-1/RMS/RMK/CYO

Attorney Client Matter No.: 463037-00176

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re application of:KAYYEM *et al.*

Serial No. 09/472,657

Filed: December 27, 1999

For: *Tissue Collection Devices
Containing Biosensors*

Examiner: Lu, Frank Wei Min

Art Group No. 1634

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box Non-Fee, Commissioner for Patents, Washington, D.C. 20231 on:

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RESPONSE TO RESTRICTION REQUIREMENT

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Commissioner for Patents
Washington, D.C. 20231

Sir:

This communication is in response to the Restriction Requirement mailed March 25, 2003 and is filed on April 25, 2003, making this a timely reply. The Commissioner is authorized to charge any necessary fees as required, including for extensions of time, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. A-67499-1 (463037-00176)/RMS/RMK/CYO).

In response to the Restriction Requirement, Applicants restrict the claims for further prosecution to Group 1, claims 1-14, drawn to a tissue collection device. This election is made without traverse.

This submission is in conformance with the "Notification of Requested New Format for Amendments and/or Responses Filed in Art Units 1634, 2827, and 2834."

AMENDMENTS TO THE CLAIMS

Claims 1-22 (cancelled)

23. (New) A tissue collection device comprising:
- a) an evacuated chamber for collecting a tissue sample; and
 - b) a biosensor comprising an electrode capable of detecting the presence of a target analyte in said tissue sample.
24. (New) The tissue collection device according to claim 23, comprising a blood collection device.
25. (New) The tissue collection device according to claim 23, wherein said electrode comprises a capture binding ligand.
26. (New) The tissue collection device according to claim 25, wherein said capture binding ligand comprises a nucleic acid.
27. (New) The tissue collection device according to claim 26, further comprising at least one solution binding ligand.
28. (New) The tissue collection device according to claim 23, wherein said electrode further comprises a self-assembled monolayer.
29. (New) The tissue collection device according to claim 28, wherein said self-assembled monolayer comprises insulators.
30. (New) The tissue collection device according to claim 29, wherein said insulators comprise an alkyl.
31. (New) The tissue collection device according to claim 28, wherein said self-assembled monolayer comprises an electroconduit-forming species (EFS).

32. (New) The tissue collection device according to claim 31, wherein said EFS comprises a conductive oligomer.

33. (New) The tissue collection device according to any one of claims 23 to 32, wherein said electrode is on a substrate comprising printed circuit board (PCB) material.

34. (New) The tissue collection device according to any one of claims 23 to 32, further comprising at least one reagent.

35. (New) The tissue collection device according to claim 34, wherein said reagent is selected from the group consisting of anticoagulant and lysis reagent.

36. (New) The tissue collection device according to claim 26, wherein said capture binding ligand comprises at least one electron transfer moiety.

37. (New) A tissue collection device according to claim 27, wherein said solution binding ligand comprises at least one electron transfer moiety.

38. (New) The tissue collection device according to claim 36 or 37, wherein said electron transfer moiety comprises a transition metal complex.

39. (New) The tissue collection device according to claim 38, wherein said transition metal complex comprises a metallocene.

40. (New) The tissue collection device according to claim 39, wherein said metallocene comprises ferrocene.

REMARKS

Claim 23-40 remain pending in the application following entry of the amendments.

Claims 1-22 have been cancelled without prejudice or disclaimer, with claims 15-22 being drawn to non-elected inventions. Applicants reserve the right to prosecute the cancelled subject matter in a related application.

Claims 23-40 have been added. Support for claim 23 is found in the specification on page 6, lines 9-10. Claims 24-27 are supported throughout the specification, for example page 60, lines 24-35, and by the original claims; claim 28 is supported on page 18, lines 4-26; claims 29 and 30 are supported on page 27, lines 12-32; claims 31 and 32 are supported on page 18, lines 27-36 and page 19, lines 7-27; claim 33 is supported on page 15, lines 21-27; claims 34 and 35 are supported by the original claims and at least on page 2, line 17-21; and claims 36-40 are supported on pages 45-46.

In the Restriction Requirement, the invention has been restricted to two inventive groups:

Group 1: claims 1-14, drawn to a tissue collection device, classified in class 435, subclass 287.2; and

Group II: claims 15-22, drawn to a method of detecting a target analyte in a sample, classified in class 436, subclass 94.

Applicants hereby elect the claims of Group I. New claims 23-40 are directed to a tissue collection device, and thus coextensive with Group I. This election is made without traverse.

Applicants submit that the pending claims are in form for examination on the merits and subsequent allowance. The Examiner is invited to contact the undersigned attorney at (415) 781-1989 if any remaining issues may be resolved in such manner.

Respectfully submitted,

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